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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

LAURIE J. MOOSE, as Trustee, etc.,

Plaintiff and Respondent,

v.

GRAYSON S. TAKETA,

Defendant and Appellant.

H027811

(Santa Clara County

Super. Ct. No. PR155649)

In this trust administration action, the trial court granted plaintiff's petition to remove defendant, Grayson S. Taketa, as trustee and to appoint plaintiff, Laurie J. Moose, as successor trustee of the Joe D. Moose Trust dated August 13, 2002. This appeal ensued. Subsequent to the filing of the notice of appeal the parties began cooperating and have reached an agreement to reinstate the appellant as the trustee.

The parties now move for stipulated reversal of the trial court's order. The reasons that the parties seek a stipulated reversal, as outlined in their joint declaration in support of their motion for stipulated reversal, support the conclusion that a stipulated reversal is appropriate under the facts of this case and the law. (See Code Civ. Proc., § 128, subd. (a)(8).)

For the reasons stated in the joint declaration and the memorandum of points and authorities submitted in support of the stipulation for reversal, including the timely

administration of the trust, the continuing cooperation of the parties and the parties' desire to limit attorney fees and costs, the court finds that there is no possibility that the interests of nonparties or the public will be adversely affected by the reversal.

The court further finds that the reasons of the parties for requesting reversal outweigh the erosion of public trust that may result from the nullification of a judgment and the risk that the availability of stipulated reversal will reduce the incentive for pretrial settlement.

DISPOSITION

The judgment is reversed pursuant to the stipulation of the parties. Each party to bear their own attorney fees and costs on appeal. The remittitur shall issue forthwith.

RUSHING, P.J.

WE CONCUR:

PREMO, J.

ELIA, J.